

POLICY AND PROCEDURES FOR ASSISTANT PROSECUTING ATTORNEY

ASSISTANT PROSECUTING ATTORNEY: As a member of the Boone County Drug Court Team the assigned Assistant Prosecuting Attorney will review all potential Diversion and Post Plea participants for eligibility, actively participate in staffing of cases, and interact in a non-adversarial manner to address revocations, pleas and application of sanctions and incentives as they apply to the participant.

I. Referral procedures

- A.** All initial referrals will be reviewed by the assigned Drug Court Prosecuting Attorney.
 - 1. Insure the charge meets the guidelines to participate or can be amended to meet the guidelines.
 - 2. Insure referral includes which program the defendant is assigned. (ie Diversion or Post Plea)
 - 3. Insure the defendant is a Boone or Callaway county resident
- B.** The Drug Court Prosecuting Attorney will sign off or reject the initial referral.
 - 1. If rejected the file will be returned to the original Assistant Prosecuting Attorney marked denied with an explanation as to why the referral was denied.
 - 2. If accepted a copy of the referral face sheet and a copy of the notice of referral will be sent to the defense attorney and the Drug Court Administrator.
- C.** The Defense Attorney will return the Notice of Referral form to the Drug Court Administrator noting their desire to participate or not.
 - 1. If the defendant is not interested the Drug Court Prosecutor will be notified immediately and set the case for normal prosecution.
 - 2. If the defendant is interested the Drug Court Prosecutor will be notified and the assessment process will begin.

II. Assessment process

- A.** The Drug Court Administrator is responsible for conducting the Assessment and will advise the Drug Court Prosecutor when the case is placed on the Drug Court Docket.

III. Acceptance or Denial

- A.** The Drug Court Prosecutor will be advised when a new case is placed on the docket for acceptance or denial.
- B.** During the Team Staffing a presentation of the assessment will be made and each team member will have an opportunity to voice their opinion.
- C.** The Drug Court Judge will have the final decision as to the defendant being accepted or denied Drug Court.
- D.** If the defendant is denied Drug Court the criminal preceding will continue as normal.
- E.** If the defendant is accepted the criminal case preceding will be stopped until the defendant graduates nor is terminated.

IV. Graduation

- A.** When a Diversion defendant is scheduled for graduation the Drug Court Assistant Prosecuting Attorney will notify The Prosecuting Attorney of the pending graduation and the need for a Nollie Prosequi letter.
- B.** When a Post Plea defendant is scheduled for graduation the Drug Court Assistant Prosecuting Attorney will review the case and prepare any paperwork necessary to comply with the plea agreement.

V. Termination

- A.** When a Diversion defendant is terminated the Drug Court Judge will assign them the next available court date in the division they were assigned.
 - 1.** The Drug Court Assistant Prosecuting Attorney will notify the assistant prosecuting attorney assigned to the case and the criminal preceding will continue.
- B.** When A Post Plea defendant is terminated the Drug Court Judge will assign them the next available court date in the division they pled.
 - 1.** The Drug Court Assistant Prosecuting Attorney will notify the assistant prosecuting attorney assigned to the case and the criminal preceding will continue.